

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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EDWARD E. SEELY,

Plaintiff,

vs.

CITY OF LAS VEGAS, *et al.*,

Defendant.

2:20-cv-02109-APG-VCF

**ORDER**

Before me is the Motion for US Marshal Service (ECF NO. 9).

On November 16, 2020, Plaintiff filed a Motion for Leave to Proceed *In Forma Pauperis*. (ECF No. 1). His IFP was granted with leave to file an amended complaint. On April 23, 2021, Seely filed his Amended Complaint. The Amended Complaint was reviewed and filed. Summons were to City of Las Vegas and Nevada State Public Works Division. (ECF Nos. 7 & 8).

Plaintiff had up to, and, including October 20, 2021, for service of the Complaint and Summons on defendants. *Id.*

On August 12, 2021, Plaintiff filed the instant motion seeking an order from the court for the U.S. Marshal to serve Defendants. (ECF No. 9).

**Service by U.S. Marshal**

Under Federal Rules of Civil Procedure 4(c)(1), the Plaintiff is responsible for having the summons and complaint served within the time allowed by Rule 4(m) and must furnish the necessary copies to the person who makes service. The summons and complaint can be served by any person who is at least 18 years old and not a party. *See* Fed. R. Civ. R. 4(c)(2). Pursuant to Fed. R. Civ. P. 4(c)(3), at the plaintiff's request, the court may order that service be made by a United States marshal or deputy marshal or by a person specially appointed by the court. The court must so order if the plaintiff is authorized to proceed *in forma pauperis* under 28 U.S.C. § 1915 or as a seaman under 28 U.S.C. § 1916.

1 Since Plaintiff is proceeding *in forma pauperis* under 28 U.S.C. § 1915. I will order that service  
2 be made by a United States marshal or deputy marshal. (ECF No. 1).

3 Accordingly,

4 I HEREBY ORDER that the Motion for US Marshal Service (ECF NO. 9) is GRANTED.

5 The Clerk of the Court is directed to deliver the issued Summons to the U.S. Marshal for service.  
6 The clerk is directed to mail to plaintiff the USM-285 form. The clerk is directed to send copy of the  
7 Complaint, Summons, and copy of this order to the U.S. Marshal for service on Defendants City of Las  
8 Vegas and Nevada State Public Works Division. Plaintiff has thirty (30) days within which to furnish to  
9 the U.S. Marshal the required USM-285 form.

10 Within twenty (20) days after plaintiff receives copy of the completed USM-285 form from the  
11 U.S. Marshal, plaintiff must file a notice with the court stating if defendant was served. If the plaintiff  
12 wishes to have the U.S. Marshal attempt service again on defendant, then a motion must be filed with the  
13 court.

14 IT IS FURTHER ORDERED that the time to effectuate service on Defendants City of Las Vegas  
15 and Nevada State Public Works Division is extended to November 20, 2021.

16 DATED this 31st day of August, 2021.

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CAM FERENBACH  
18 UNITED STATES MAGISTRATE JUDGE  
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